



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,002	09/29/2000	KOJI KIKUCHI	35.C14844	2053

5514 7590 12/15/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/675,002

Applicant(s)

KIKUCHI, KOJI

Examiner

Adnan M Mirza

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (U.S. 5,796,633) and Lau (U.S., 6,101,500).

As per claims 1,5,17,21 Burgess disclosed a data processing apparatus which can communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to said network, comprising: display means for displaying said plurality of computers and said plurality of peripheral devices as symbol information onto a virtual system display screen (col. 5, lines 33-41);

However Burgess failed to disclose first discriminating means for discriminating a licenser computer having a license server function for giving a predetermined license from said plurality of computers to said data processing apparatus; and first control means for controlling the computer discriminated by said first discriminating means so as to be displayed in a manner such that it can be identified from other devices on said virtual system display screen.

Art Unit: 2141

In the same field of endeavor Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (col. 9, lines 15-25).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated first discriminating means for discriminating a licenser computer having a license server function for giving a predetermined license from said plurality of computers to said data processing apparatus; and first control means for controlling the computer discriminated by said first discriminating means so as to be displayed in a manner such that it can be identified from other devices on said virtual system display screen as taught by Lau in the method of Burgess to allow easy tracking of the configuration of computers in the network.

3. As per claims 2,6,10,14,18,22 Burgess-Lau disclosed further comprising: second discriminating means for discriminating licensee computers to which the license has been given from said licenser computer discriminated by said first discriminating means from said plurality of computers (Lau, col. 9, lines 54-67); and second control means for controlling the computers discriminated by said second discriminating means so as to be displayed in a manner such that

Art Unit: 2141

they can be identified from other devices on said virtual system display screen (Lau, col. 10, lines 47-56).

4. As per claims 3,7,11,15,19,23 Burgess-Lau disclosed further comprising: third discriminating means for discriminating a server device having an image input server function which can be used by said data processing apparatus from said plurality of computers (Burgress, col. 5, lines 7-16); third control means for controlling the server device discriminated by said third discriminating mean so as to be displayed in a manner such that it can be identified from other devices on said virtual system display screen (Burgress, col. 9, lines 35-50); selecting means for selecting a symbol on said virtual system display screen; and service supplying means for supplying a common service to each of said licensee computers to which the license has been given from the selected licensor computer in accordance with a fact that said licensor computer and said server device have been selected by said selecting means (Lau, col. 9, lines 54-67).

5. As per claims 4 Burgess-Lau disclosed wherein the service which is supplied by said service supplying means includes a distribution service for distributing same data to each of said licensee computers (Lau, col. 9, lines 16-31). A data processing apparatus which can communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to said network, comprising: display means for displaying said plurality of computers and said plurality of peripheral devices onto a virtual system display screen (Lau, col. 12, lines 23-49); first discriminating means for discriminating a licensor computer having a license server function for giving a license from said plurality of computers to

Art Unit: 2141

said data processing apparatus (Lau, col. 13, lines 1-22) ; and first control means for controlling the computer discriminated by said first discriminating means so as to be displayed in a manner such that it can be identified from other devices on said virtual system display screen (Burgress, col. 9, lines 51-63).

6. As per claims 9,13 has the same limitations as to claims 1 and 5 therefore under the same relations claim 9 can be rejected.

7. As per claims 8,12,16,20,24 Burgress-Lau disclosed wherein the service which is supplied by said service supplying step includes a distribution service for distributing same data to each of said licensee computers (Burgress, col. 9, lines 52-63).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

9. The examiner can normally be reached on Monday to Friday during normal business hours.

Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

10. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

11. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**